

BY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,090	03/06/2002	Hiroaki Furuyama	B422-182	8519

26272 7590 06/28/2005

COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
1133 AVE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

DUGGINS, ALICIA M

ART UNIT PAPER NUMBER

2616

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,090

Applicant(s)

FURUYAMA, HIROAKI

Examiner

Alicia M. Duggins

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2616

Response to Arguments

Applicant's arguments filed 2/18/05 have been fully considered but they are not persuasive. Applicant states that Imai et al. does not disclose two recording period of different lengths for the SD and SDL modes. However, Imai et al discloses that the recording time of SDL mode is twice as long as that of the SD mode (col.1 ll.45-52). Additionally, applicant states that Watanabe fails to teach the recording of still image data for different recording modes. Watanabe teaches the recording of image data including still image data recorded in a plurality of recording modes (col.1 ll.7-12, ll.35-42).

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Imai et al. (US6771882).

Regarding claim 1, Imai shows a recording apparatus (3) in fig. 16 comprising:

mode) and a second recording mode with a second information quantity larger than the first per unit time (SDL mode), where in the SD mode, data of one frame is recorded on ten tracks as opposed to the SDL mode where two frames of data are recorded on ten tracks (col.2 ll.15-21).

- Recording means are shown in fig.22 as the recording section (24) for recording image data onto a medium (col.10 ll.64-67)
- Control means for controlling recording means shown as a control section (25) in fig.22 (col.10 ll.64-67) discusses recording still image data of the first recording mode and detection data for detecting still image data and recording image and detection data of the second recording mode (col.13 ll.31-43) where the recording of image data in relation to the arrangement of frames is discussed. The arrangement of frames in relation to the two modes and detection data is shown (col.9 l.35-col.10 l.26) where a DFF is added to image data to detect the mode for example in the second or SDL mode the DFF takes the value of 0 when the first frame is carrying information and a value of 1 when the rear frame is carrying information. However, in SD mode the DFF always has the value of 1.

Regarding claim 2, Imai shows data recorded on the medium at predetermined times according to the modes where in the SD mode the predetermined time is 18.8 mm/s and in the SDL mode the time is half of the SD mode (col.3 ll.1-21)

Art Unit: 2616

Regarding claims 3 and 4, Imai shows the multiplexing of detection data on the image data in the first and second recording modes (col.10 ll.34-57) where the detection data (DFFs) is multiplexed with image data.

Regarding claim 5, Imai shows the recording of image data of one frame in 5 tracks in one mode (SDL mode) and 10 tracks in one frame in another mode (SD mode) (col.2 ll.15-20)

Regarding claim 6, Imai discusses the length of the first predetermined period being shorter than that of the second predetermined period where in the SD mode the predetermined time is 18.8 mm/s and in the SDL mode the time is half of the SD mode (col.3 ll.1-21)

Regarding claim 7, Imai discussed the first recording mode being the SD mode and the second mode being the SDL mode, which is a high compression mode (col.1 ll.38-51)

Regarding claim 9, Imai shows an SW signal in fig.6 as a switch, which sets the first and second recording modes (col.3 ll.1-35)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al. (US6771882) in view of Watanabe (US6272280).

Although Imai discusses detection data, he does not discuss using a photo picture ID (PPID) as detection data as is discussed by Watanabe (col.4 ll.22-25). It would have been obvious to one of ordinary skill in the art to use photo picture id (PPID) as a means for detecting still image data (col.1 ll.20-25) to provide time efficient searching for an image.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2616

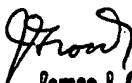
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Duggins whose telephone number is (571)272-7376. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMD
6/23/05


James J. Groody
Supervisory Patent Examiner
Art Unit 262
2616